

US Army Corps  
Of Engineers  
Wilmington District

# PUBLIC NOTICE

Issue Date: 17 January 2007  
Comment Deadline: 16 February 2007  
Corps Action ID #: 200620198

The Wilmington District, Corps of Engineers (Corps) has received an application from Joyce V. Lipscomb Canady seeking Department of the Army authorization to impact 135 linear feet of perennial stream channel associated with the construction of a road crossing in Glen Laurel East Subdivision, east of Clayton, in Johnston County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at [www.saw.usace.army.mil/wetlands](http://www.saw.usace.army.mil/wetlands)

**Applicant:** Joyce V. Lipscomb Canady  
328 E. Main Street  
Clayton, North Carolina 27520

**AGENT:** Sean P. Hein  
Blackburn Consulting Engineering  
234 East Main Street  
Clayton, North Carolina 27520

## Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures Section 404 of the Clean Water Act.

## Location

The project site is located adjacent to the east side of the existing Glen Laurel Subdivision, north of Vinson Rd, bordered to the north by the Neuse River, east of Clayton, in Johnston County, North Carolina. The center coordinates of the site are (latitude/longitude) 35.6363 / 78.3772.

## **Existing Site Conditions**

The site indicated for the proposed Glen Laurel East subdivision is considered undeveloped land adjacent to an existing subdivision / golf community. The site is bordered to the north by the Neuse River, and an unnamed perennial tributary to the Neuse River crosses the site with 135 linear feet proposed for culverting to accommodate the expansion. The property consists of a combination of abandoned pasture and woodland. Uplands on the site are underlain by non-hydric Pacolet loam and are predominantly vegetated by loblolly pine (*Pinus taeda*), sweetgum (*Liquidambar styraciflua*) and wild grape (*Vitis rotundifolia*). Wetlands on the site are vegetated by loblolly pine, sweetgum, wild grape and *Microstegium* and are underlain by Pacolet loam, as well.

## **Applicant's Stated Purpose**

The purpose of the project is to expand the existing Glen Laurel Subdivision.

## **Project Description**

The project would involve the perpendicular crossing of one perennial stream by an internal subdivision road. This crossing would require the installation of 60-inch reinforced concrete pipe. The applicant states that this crossing is necessary for upland development of single family residential lots.

## **Mitigation Discussion**

The applicant has proposed to utilize the North Carolina Ecosystem Enhancement Program (NCEEP) to mitigate for unavoidable impacts to aquatic resources associated with the culverting of 135 linear feet of warm water stream impacts within the Neuse Basin.

## **Other Required Authorizations**

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional

information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by February 9, 2007.

### **Essential Fish Habitat**

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

### **Cultural Resources**

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

### **Endangered Species**

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

### **Evaluation**

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental

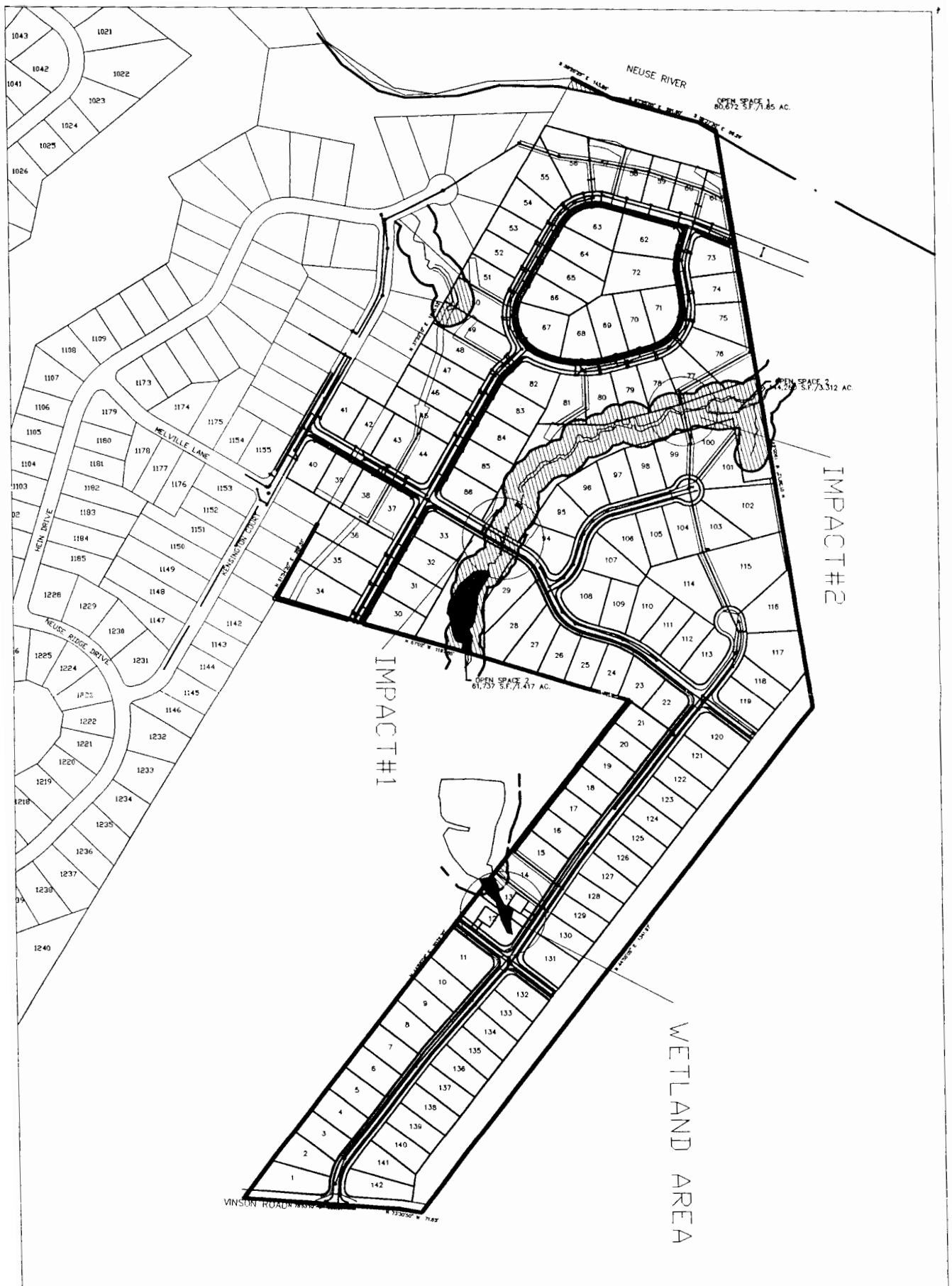
concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

### **Commenting Information**

The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, February 16, 2007. Comments should be submitted to Mr. Thomas Brown, (919) 876-8441, Ext. 22.



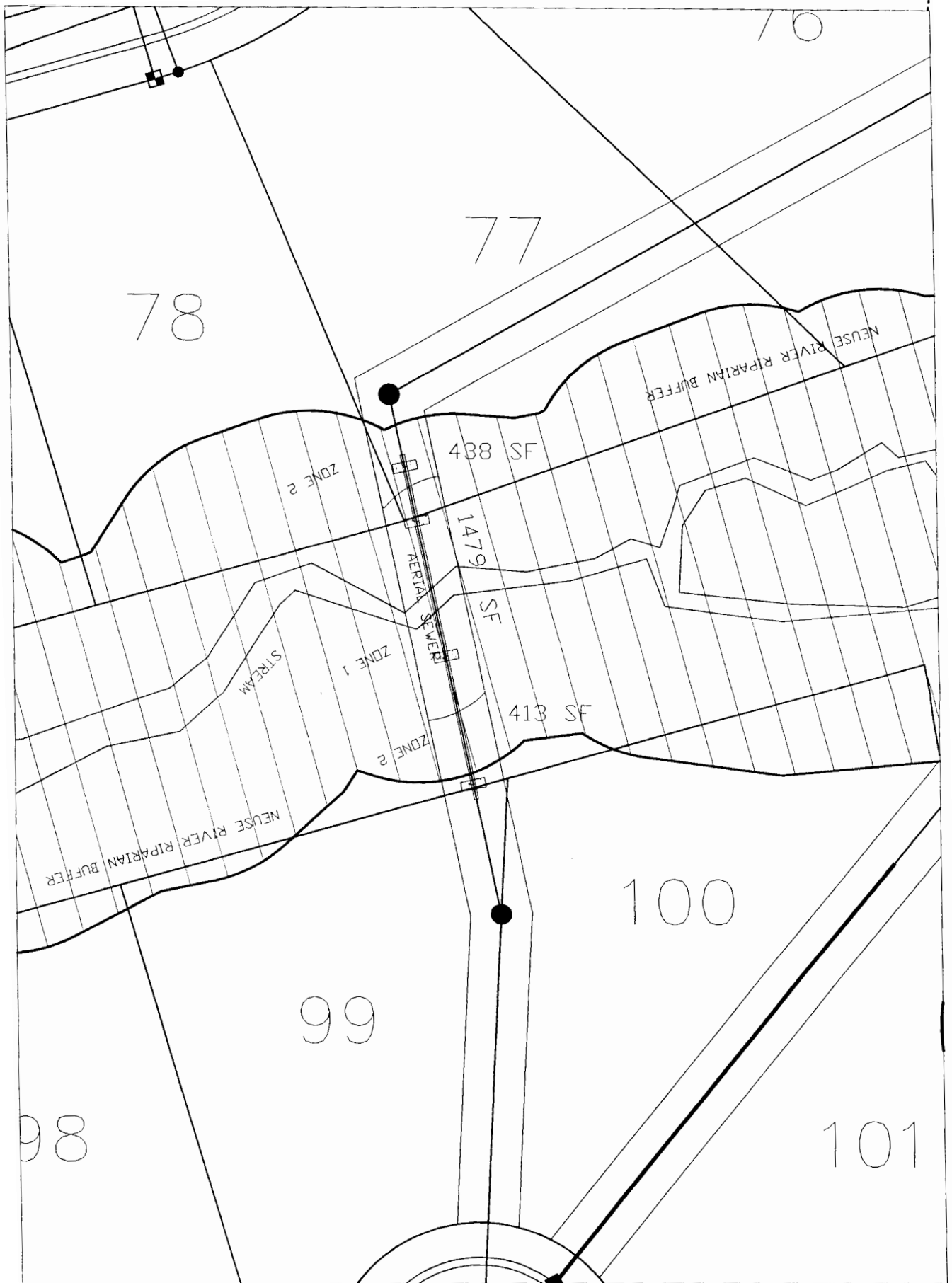
SHEET  
1  
OF 4

REVISIONS:  
DATE: 07-10-06  
DRAWN BY: SPH  
CHECKED BY: [blank]  
SCALE: 1"=300'

**IMPACT MAPS**  
**GLEN LAUREL EAST**  
CLAYTON TOWNSHIP, JOHNSTON COUNTY, NORTH CAROLINA

**BLACKBURN CONSULTING ENGINEERING**  
234 EAST MAIN STREET  
CLAYTON, NC 27620  
(919) 553-2900 FAX (919) 553-7298





SHEET  
3  
OF 4

REVISIONS

SCALE  
1"=50'

DRAWN BY  
SPH

DATE  
07-10-06

PROJECT NO.  
1-

**GLEN LAUREL EAST**  
CLAYTON TOWNSHIP, JOHNSTON COUNTY, NORTH CAROLINA

**BLACKBURN CONSULTING ENGINEERING**  
234 EAST MAIN STREET  
CLAYTON, NC 27520  
(919) 553-2900 FAX (919) 553-7298



SHEET  
4  
OF  
4

REVISIONS:  
SCALE:  
1"=300'  
DRAWN BY:  
SPH  
DATE:  
07-10-06  
PROJECT NO.  
1-

**WETLAND AVOIDANCE**  
**GLEN LAUREL EAST**  
CLAYTON TOWNSHIP, JOHNSTON COUNTY, NORTH CAROLINA

**BLACKBURN CONSULTING ENGINEERING**  
234 EAST MAIN STREET  
CLAYTON, NC 27520  
(919) 553-2900 FAX (919) 553-7298